

REMARKS

Applicant has studied the Office Action dated August 25, 2005. Claims 1-10 and 14-40 are pending. Claims 11 and 14 have been amended. Claims 12 and 13 have been canceled without prejudice. Claims 1, 11, 21, 27 and 37 are independent claims. It is submitted that the application, as amended is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claim 14 has been amended to correct dependency in view of a canceled claim. It is respectfully submitted that the amendment has support in the application as originally filed and is not related to patentability.

§ 101 Rejection

The Examiner rejected claims 11-20 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Specifically, the Examiner asserted that the claims are “directed to information stored on a medium.” Applicant respectfully disagrees with the Examiner’s interpretation of claims 11-20 and respectfully traverses the rejection.

It is respectfully submitted that claims 11-20 are not “directed to information stored on a medium,” as asserted by the Examiner, but rather are directed to a rewritable recording medium. It is respectfully noted that the Examiner has also rejected claims 11 and 12 based on double patenting in view of U.S. Pat. No. 6,631,387 and, therefore, the same claims have previously been patented as statutory subject matter.

It is respectfully requested that the rejection be withdrawn.

Double Patenting Rejection

The Examiner rejected claims 11 and 12 based on double patenting of the “same invention” in view of claims 11 and 12 of prior U.S. Pat. No. 6,631,387 (“the ‘387 patent”). The Examiner further rejected claims 1-10 and 13-40 based on non-statutory type double patenting in view the claims 1-26 of the ‘387 patent. This rejection is respectfully traversed.

It is respectfully noted that claim 11 has been amended with this paper to incorporate the limitations of claim 13 and that claims 12 and 13 have been canceled without prejudice. It is respectfully submitted that the rejection is, therefore, moot with respect to claims 12 and 13. It is further respectfully submitted that the rejection of claim 11 based on double patenting of the “same invention” is also moot and that non-statutory type double patenting now is applicable to amended claim 11.

It is respectfully submitted that the ‘387 patent and the present application are commonly owned. A terminal disclaimer is submitted herewith in compliance with 37 C.F.R. 1.321(c) to overcome this rejection. It is respectfully requested that the rejection be withdrawn.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1-11 and 14-40 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

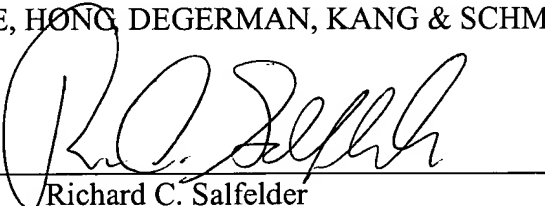
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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Enclosure: Terminal Disclaimer

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